

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

BIONTECH SE, BIONTECH
MANUFACTURING GMBH, and PFIZER,
INC.,

Plaintiff/Counterclaim Defendants,

v.

CUREVAC SE (f/k/a CUREVAC AG)

Defendant/Counterclaimant.

and

CUREVAC MANUFACTURING GMBH,

Counterclaimant.

C.A. No. 2:23-cv-222-JKW-DEM

**COMBINED MOTION TO INTERVENE, SEVER AND STAY
BY ACUITAS THERAPEUTICS INC.**

NOW COMES Acuitas Therapeutics Inc. (“Acuitas”), by counsel, pursuant to Rule 24 of the Federal Rules of Civil Procedure and moves this Court to grant its motion for intervention in this action and to sever and stay certain claims herein, specifically Count III (Dkt. No. 1); Counts VIII-XI (Dkt. No. 106); and Counts VII-X and XV-XVII, and affirmative defenses 7-10 and 17 to 20 (Dkt. No. 116). In further support of its Combined Motion, Acuitas refers this Court to its Memorandum in Support and Exhibits thereto, filed herewith.

Dated: November 14, 2023

Respectfully submitted,

By: /s/ Robert W. McFarland

Robert W. McFarland (VSB No. 24021)

MCGUIREWOODS LLP

World Trade Center

101 W. Main Street, Suite 9000

Norfolk, Virginia 23510-1655

Telephone: (757) 640-3716

Facsimile: (757) 640-3966

E-mail: rmcfarland@mcguirewoods.com

Nicholas Groombridge (*pro hac* pending)

Eric Alan Stone (*pro hac* pending)

Josephine Young (*pro hac* pending)

Allison C. Penfield (*pro hac* pending)

Chih-Wei Wu (*pro hac* pending)

GROOMBRIDGE, WU, BAUGHMAN & STONE LLP

565 Fifth Avenue, Suite 2900

New York, NY 10017

nick.groombridge@groombridgewu.com

eric.stone@groombridgewu.com

josephine.young@groombridgewu.com

allison.penfield@groombridgewu.com

chihwei.wu@groombridgewu.com

Telephone: (332) 269-0030

Facsimile: (332) 262-5334

Saurabh Gupta (*pro hac* pending)

GROOMBRIDGE, WU, BAUGHMAN & STONE LLP

801 17th Stret, NW, Suite 1050

Washington, DC 20006

saurabh.gupta@groombridgewu.com

Telephone: (202) 505-5830

Facsimile: (202) 595-0359

COUNSEL FOR ACUITAS THERAPEUTICS, INC.

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send notification of electronic filing to all counsel of record.

By: /s/ Robert W. McFarland
Robert W. McFarland (VSB No. 24021)
MCGUIREWOODS LLP
101 W. Main Street, Suite 9000
Norfolk, Virginia 23510
Telephone: (757) 640-3716
Facsimile: (757) 640-3966
E-mail: rmcfarland@mcguirewoods.com